

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARTIN RACEY, KEVIN MCDONALD, GARY  
WILLIAMS and ALEX ABREU, Individually and  
on Behalf of All Others Similarly Situated,

Case No.: 15 CV 8228 (KPF)

Plaintiffs,

-against-

**DECLARATION OF  
AMIR KHAN**

JAY-JAY CABARET INC. d/b/a FLASH  
DANCERS, AAM HOLDING CORP. d/b/a  
PRIVATE EYES, 59 MURRAY ENTERPRISES,  
INC. d/b/a NEW YORK DOLLS, BARRY I.  
LIPSITZ and BARRY LIPSITZ, JR., Jointly and  
Severally,

Defendants.

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I, Amir Khan, pursuant to 28 U.S.C. § 1746, declare upon personal knowledge and under penalty of perjury that the following is true and correct:

1. I have worked at Private Eyes Gentlemen's Club ("Private Eyes" or the "Club") for approximately seventeen (17) years. I have been a manager at the Club for the entire time I have been with the Club.

2. I am competent in all respects to make this affidavit and am personally familiar with the facts stated herein, all of which are true and correct.

**Private Eyes**

3. I, along with other managers at Private Eyes, run the whole businesses including the scheduling of employees, placing purchasing orders, managing all activities on the floor of the Club, resolve business and personnel issues that arise during the operation of the Club, and general management of the Club. Private Eyes is independently operated and controlled by the managers at the Club.

4. Managers at Flashdancers or New York Dolls or any other clubs or entities do not have involvement in the operations at Private Eyes.

**Club Hours**

5. The posted hours of Private Eyes is noon to 4:00 a.m. Monday through Friday, On Saturday the Club is open from 8:00 p.m. to 4:00 a.m.

6. Private Eyes is closed for business on Sundays.

**Floor Men**

7. Floor men provide customer service as a host at the Club as well as act as security to make sure that order is kept at the Club and that all individuals on premises are kept safe. Floor men can assign wait staff to customers and seat customers at the Club.

8. Most floor men work three (3) to four (4) shifts per week.

**Early Shift / Late Shift**

9. The two shifts for floor men at the Club are from 12:00 p.m. to 8:00 p.m. and 8:00 p.m. to whenever business is concluded at the Club.

10. A shift for floor men would not start at 7:30 p.m. because the Club already has a floor man working from 12:00pm to 8:00 p.m.

11. Business at Private Eyes usually ends and floor men leave before 5:00 a.m.

12. Leaving after 5:30 a.m. is very rare.

**Break Time**

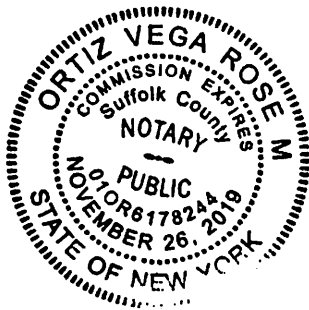
13. Floor men take breaks during the course of their shift, including at least one meal break.

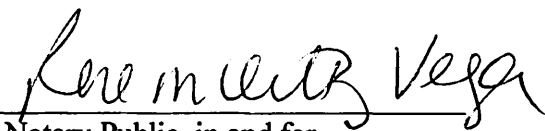
14. I am aware that floor men take their breaks because when they do, the other floor men on duty have to rotate and to accommodate having one less person on shift to make sure that all positions are covered at the Club.

Dated: April 1, 2016

  
AMIR KHAN

Subscribed and sworn to before me on this 1 day of April, 2016.



  
Notary Public, in and for  
the State of New York